

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

AGWAY FARM & HOME SUPPLY, LLC,

Debtor.

Chapter 11

Case No. 22-10602 (JKS)

**NOTICE OF AGENDA OF MATTERS SCHEDULED
FOR HEARING ON AUGUST 3, 2022 AT 2:00 P.M. (ET)**

**THE REMOTE HEARING WILL BE CONDUCTED ENTIRELY BY ZOOM AND REQUIRES
ALL PARTICIPANTS TO REGISTER IN ADVANCE.**

COURTCALL WILL NOT BE USED TO DIAL IN.

PLEASE USE THE FOLLOWING LINK TO REGISTER FOR THE HEARING:

<https://debuscourts.zoomgov.com/meeting/register/vJItcO6orjkoHD5tN2UyjiTeLdZLhMXeUv4>

**ONCE REGISTERED, PARTIES WILL RECEIVE A CONFIRMATION EMAIL
CONTAINING PERSONAL LOG-IN INFORMATION FOR THE HEARING.**

ALL PARTIES MUST REGISTER NO LATER THAN 4:00 P.M. (ET) ON AUGUST 2, 2022.

MATTERS WITH CERTIFICATION OF COUNSEL/NO OBJECTION (COC/CNO):

1. Debtor's Motion for Interim and Final Orders Authorizing: (I) Maintenance of Existing Bank Accounts, (II) Continued Use of Existing Cash Management System, and (III) Continued Use of Business Forms Pursuant to 11 U.S.C. §§ 105, 345, 363, 364, 503, 1107 and 1108 of the Bankruptcy Code [Filed July 5, 2022; [Docket No. 4](#)].

Objection Deadline: July 27, 2022 at 4:00 p.m.; extended to August 1, 2022 at 11:30 a.m. for the Official Committee of Unsecured Creditors ("Committee").

Responses/Objections Received: None.

Related Documents:

- A. Certification of Counsel Regarding Interim Order Authorizing: (I) Maintenance of Existing Bank Accounts, (II) Continued Use of Existing Cash Management System, and (III) Continued Use of Business Forms Pursuant to 11 U.S.C. §§ 105, 345, 363, 364, 503, 1107 and 1108 of the Bankruptcy Code [Filed July 7, 2022; [Docket No. 26](#)].

- B. Interim Order Authorizing: (I) Maintenance of Existing Bank Accounts, (II) Continued Use of Existing Cash Management System, and (III) Continued Use of Business Forms Pursuant to 11 U.S.C. §§ 105, 345, 363, 364, 503, 1107 and 1108 of the Bankruptcy Code [Filed July 7, 2022; [Docket No. 33](#)].
- C. Certification of Counsel Regarding Amended Interim Order Authorizing: (I) Maintenance of Existing Bank Accounts, (II) Continued Use of Existing Cash Management System, and (III) Continued Use of Business Forms Pursuant to 11 U.S.C. §§ 105, 345, 363, 364, 503, 1107 and 1108 of the Bankruptcy Code [Filed July 8, 2022; [Docket No. 43](#)].
- D. Amended Interim Order Authorizing: (I) Maintenance of Existing Bank Accounts, (II) Continued Use of Existing Cash Management System, and (III) Continued Use of Business Forms Pursuant to 11 U.S.C. §§ 105, 345, 363, 364, 503, 1107 and 1108 of the Bankruptcy Code [Filed July 12, 2022; [Docket No. 48](#)].

Status: The Debtor will be filing a certification submitting the proposed form of order prior to the hearing. No hearing will be necessary unless the Court has questions.

- 2. Debtor's Motion for Entry of Interim and Final Orders (I) Authorizing Payment of Certain Prepetition Employee Claims, Including Wages and Salaries, (II) Authorizing Payment of Certain Employee Benefits and Confirming Right to Continue Employee Benefits on Postpetition Basis, (III) Authorizing Payment of Reimbursement to Employees for Prepetition Expenses, (IV) Authorizing Payment of Withholding and Payroll-Related Taxes, (V) Authorizing Payment of Prepetition Claims Owing to Administrators and Third Party Providers, and (VI) Allowing Banks to Honor Prepetition Checks and Fund Transfers for Authorized Payments [Filed July 5, 2022; [Docket No. 5](#)].

Objection Deadline: July 27, 2022 at 4:00 p.m.; extended to August 1, 2022 at 11:30 a.m. for the Committee.

Responses/Objections Received: None.

Related Documents:

- A. Certification of Counsel Regarding Interim Order (I) Authorizing Payment of Certain Prepetition Employee Claims, Including Wages and Salaries, (II) Authorizing Payment of Certain Employee Benefits and Confirming Right to Continue Employee Benefits on Postpetition Basis, (III) Authorizing Payment of Reimbursement to Employees for Prepetition Expenses, (IV) Authorizing Payment of Withholding and Payroll-Related Taxes, (V) Authorizing Payment of Prepetition Claims Owing to Administrators and Third Party Providers, and (VI) Allowing Banks to Honor Prepetition Checks and Fund Transfers for Authorized Payments and CEO of Agway Farm & Home Supply, LLC, in Support of First Day Motions [Filed July 7, 2022; [Docket No. 28](#)].

- B. Interim Order (I) Authorizing Payment of Certain Prepetition Employee Claims, Including Wages and Salaries, (II) Authorizing Payment of Certain Employee Benefits and Confirming Right to Continue Employee Benefits on Postpetition Basis, (III) Authorizing Payment of Reimbursement to Employees for Prepetition Expenses, (IV) Authorizing Payment of Withholding and Payroll-Related Taxes, (V) Authorizing Payment of Prepetition Claims Owing to Administrators and Third Party Providers, and (VI) Allowing Banks to Honor Prepetition Checks and Fund Transfers for Authorized Payments and CEO of Agway Farm & Home Supply, LLC, in Support of First Day Motions [Filed July 7, 2022; [Docket No. 34](#)].

Status: The Debtor will be filing a certification submitting the proposed form of order prior to the hearing. No hearing will be necessary unless the Court has questions.

3. Motion Pursuant to Sections 105 and 366 of the Bankruptcy Code for Entry of Interim and Final Orders (I) Prohibiting Utility Companies from Altering, Refusing or Discontinuing Services to, or Discriminating Against, the Debtor, (II) Determining that the Utility Companies are Adequately Assured of Postpetition Payment and (III) Establishing Procedures for Resolving Requests for Additional Adequate Assurance [Filed July 5, 2022; [Docket No. 6](#)].

Objection Deadline: July 27, 2022 at 4:00 p.m.; extended to August 1, 2022 at 11:30 a.m. for the Committee.

Responses/Objections Received:

- A. Objection of Appalachian Power Company d/b/a American Electric Power to the Motion Pursuant to Sections 105 and 366 of the Bankruptcy Code for Entry of Interim and Final Orders (I) Prohibiting Utility Companies from Altering, Refusing or Discontinuing Services to, or Discriminating Against, the Debtor, (II) Determining that the Utility Companies are Adequately Assured of Postpetition Payment and (III) Establishing Procedures for Resolving Requests for Additional Adequate Assurance [Filed July 14, 2022; [Docket No. 56](#)].

Related Documents:

- A. Certification of Counsel Regarding Motion Pursuant to Sections 105 and 366 of the Bankruptcy Code for Entry of Interim and Final Orders (I) Prohibiting Utility Companies from Altering, Refusing or Discontinuing Services to, or Discriminating Against, the Debtor, (II) Determining that the Utility Companies are Adequately Assured of Postpetition Payment and (III) Establishing Procedures for Resolving Requests for Additional Adequate Assurance [Filed July 7, 2022; [Docket No. 30](#)].
- B. Interim Order (I) Prohibiting Utility Companies from Altering, Refusing or Discontinuing Services to, or Discriminating Against, the Debtor, (II)

Determining that the Utility Companies are Adequately Assured of Postpetition Payment and (III) Establishing Procedures for Resolving Requests for Additional Adequate Assurance [Filed July 7, 2022; [Docket No. 35](#)].

C. Notice of Filing of Amended Utilities List [Filed July 20, 2022; [Docket No. 68](#)].

Status: The Debtor, after consultation with the Committee, has reached a resolution with Appalachian Power Company and will be submitting an order under a CNO.

4. Motion of the Debtor for Entry of Interim and Final Orders (I) Authorizing the Debtor to Pay Prepetition Claims of Shippers and Warehousemen; (II) Authorizing Financial Institutions to Honor and Process Related Checks and Transfers; and (III) Granting Related Relief [Filed July 5, 2022; [Docket No. 7](#)].

Objection Deadline: July 27, 2022 at 4:00 p.m.; extended to August 1, 2022 at 11:30 a.m. for the Committee.

Responses/Objections Received: None.

Related Documents:

- A. Certification of Counsel Regarding Interim Order (I) Authorizing the Debtor to Pay Prepetition Claims of Shippers and Warehousemen; (II) Authorizing Financial Institutions to Honor and Process Related Checks and Transfers; and (III) Granting Related Relief [Filed July 7, 2022; [Docket No. 31](#)].
- B. Interim Order (I) Authorizing the Debtor to Pay Prepetition Claims of Shippers and Warehousemen; (II) Authorizing Financial Institutions to Honor and Process Related Checks and Transfers; and (III) Granting Related Relief [Filed July 7, 2022; [Docket No. 36](#)].

Status: The Debtor will be filing a certification submitting the proposed form of order prior to the hearing. No hearing will be necessary unless the Court has questions.

5. Debtor's Motion Pursuant to 11 U.S.C. §363 and 105(a) and Federal Rule of Bankruptcy Procedures 2002 for Interim and Final Orders Authorizing Debtor to Establish De Minimis Asset Sale Procedures [Filed July 5, 2022; [Docket No. 9](#)].

Objection Deadline: July 27, 2022 at 4:00 p.m.; extended to August 1, 2022 at 11:30 a.m. for the Committee.

Responses/Objections Received: None.

Related Documents:

- A. Certification of Counsel Regarding Debtor's Motion Pursuant to 11 U.S.C. §363 and 105(a) and Federal Rule of Bankruptcy Procedures 2002 for Interim and Final Orders Authorizing Debtor to Establish De Minimis Asset Sale Procedures [Filed July 7, 2022; [Docket No. 32](#)].
- B. Interim Order Authorizing Debtor to Establish De Minimis Asset Sale Procedures [Filed July 7, 2022; [Docket No. 37](#)].
- C. Notice of Further Interim Hearing Regarding Debtor's Motion Pursuant to 11 U.S.C. §363 and 105(a) and Federal Rule of Bankruptcy Procedures 2002 for Interim and Final Orders Authorizing Debtor to Establish De Minimis Asset Sale Procedures [Filed July 7, 2022; [Docket No. 40](#)].
- D. Certification of Counsel Regarding Interim Order Granting the Debtor's Motion Pursuant to 11 U.S.C. §363 and 105(a) and Federal Rule of Bankruptcy Procedures 2002 for Interim and Final Orders Authorizing Debtor to Establish De Minimis Asset Sale Procedures [Filed July 18, 2022; [Docket No. 65](#)].
- E. Interim Order Granting Debtor's Motion Pursuant to 11 U.S.C. §363 and 105(a) and Federal Rule of Bankruptcy Procedures 2002 for Interim and Final Orders Authorizing Debtor to Establish De Minimis Asset Sale Procedures [Filed July 18, 2022; [Docket No. 66](#)].

Status: The Debtor will be filing a certification submitting the proposed form of order prior to the hearing. No hearing will be necessary unless the Court has questions.

- 6. Debtor's Application for Entry of an Order Authorizing the Retention and Employment of Shulman Bastian Friedman & Bui LLP as Bankruptcy Counsel to the Debtor *Nunc Pro Tunc* to the Petition Date [Filed July 13, 2022; [Docket No. 50](#)].

Objection Deadline: July 27, 2022 at 4:00 p.m.; extended to August 1, 2022 at 11:30 a.m. for the United States Trustee and the Committee.

Responses/Objections Received: None.

Related Documents:

- A. Supplemental Declaration of Alan Friedman in Support of Debtor's Application for Entry of an Order Authorizing the Retention and Employment of Shulman Bastian Friedman & Bui LLP as Bankruptcy Counsel to the Debtor *Nunc Pro Tunc* to the Petition Date [Filed July 29, 2022; [Docket No. 85](#)].

Status: The Debtor will be filing a certification submitting the proposed form of order prior to the hearing. No hearing will be necessary unless the Court has questions.

- 7. Debtor's Application for an Order Authorizing and Approving the Employment of Morris

James LLP as Counsel to the Debtor *Nunc Pro Tunc* to July 5, 2022 [Filed July 13, 2022; [Docket No. 51](#)].

Objection Deadline: July 27, 2022 at 4:00 p.m.; extended to August 1, 2022 at 11:30 a.m. for the United States Trustee and the Committee.

Responses/Objections Received: None.

Related Documents: None.

Status: The Debtor will be filing a certification submitting the proposed form of order prior to the hearing. No hearing will be necessary unless the Court has questions.

8. Debtor's Application for an Order Authorizing It to Retain and Employ Focus Management Group USA, Inc. as Financial Advisor Effective *Nunc Pro Tunc* to the Petition Date [Filed July 13, 2022; [Docket No. 52](#)].

Objection Deadline: July 27, 2022 at 4:00 p.m.; extended to August 1, 2022 at 11:30 a.m. for the United States Trustee and the Committee.

Responses/Objections Received: None.

Related Documents: None.

Status: The Debtor will be filing a certification submitting the proposed form of order prior to the hearing. No hearing will be necessary unless the Court has questions.

9. Debtor's Application for Authority to Retain and Employ ABC Services Group, Inc./Charles Klaus as Chief Liquidating Officer Effective *Nunc Pro Tunc* to the Petition Date [Filed July 13, 2022; [Docket No. 53](#)].

Objection Deadline: July 27, 2022 at 4:00 p.m.; extended to July 29, 2022 at 4:00 p.m. for the Committee and to August 1, 2022 at 11:30 a.m. for the United States Trustee.

Responses/Objections Received: None.

Related Documents: None.

Status: The Debtor will be filing a certification submitting the proposed form of order prior to the hearing. No hearing will be necessary unless the Court has questions.

10. Debtor's Motion for Order Establishing Procedures for Interim Compensation and Reimbursement of Professionals [Filed July 13, 2022; [Docket No. 54](#)].

Objection Deadline: July 27, 2022 at 4:00 p.m.; extended to August 1, 2022 at 11:30 a.m. for the Committee.

Responses/Objections Received: None.

Related Documents: None.

Status: The Debtor will be filing a certification submitting the proposed form of order prior to the hearing. No hearing will be necessary unless the Court has questions.

11. Debtor's Motion for Entry of an Order Authorizing Debtor to Pay Pre-Petition Amounts to Certain Critical Vendors [Filed July 20, 2022; [Docket No. 69](#)].

Objection Deadline: July 27, 2022 at 4:00 p.m.; extended to August 1, 2022 at 11:30 a.m. for the Committee.

Responses/Objections Received: None.

Related Documents: None.

Status: After consultation with the Committee and the Office of the United States Trustee, the Debtor will be submitting under a certification of counsel a revised form of order increasing the total amount sought by the Critical Vendor Motion. No hearing is necessary unless the Court has questions.

MATTERS GOING FORWARD:

12. Debtor's Motion for an Order Approving (1) Key Employee Incentive Plan, (2) Key Employee Retention Plan, and (3) Granting Related Relief [Filed July 20, 2022; [Docket No. 70](#)].

Objection Deadline: July 27, 2022 at 4:00 p.m.; extended to August 1, 2022 at 11:30 a.m. for the Committee.

Responses/Objections Received:

- A. Preliminary Objection of the Official Committee of Unsecured Creditors to Debtor's Motion for an Order Approving (1) Key Employee Incentive Plan, (2) Key Employee Retention Plan, and (3) Granting Related Relief [Filed August 1, 2022; [Docket No. 88](#)].

Related Documents: None.

Status: After consultation with the Committee and the United States Trustee, this matter is going forward solely with respect to scheduling.

Dated: August 1, 2022
Wilmington, Delaware

MORRIS JAMES LLP

/s/ Jeffrey R. Waxman

Jeffrey R. Waxman (DE Bar No. 4159)
Brya M. Keilson (DE Bar No. 4643)
500 Delaware Avenue, Suite 1500
Wilmington, DE 19801
Telephone: (302) 295-2000
Facsimile: (302) 250-4495
E-mail: jwaxman@morrisjames.com
E-mail: bkeilson@morrisjames.com

and

SHULMAN BASTIAN FRIEDMAN & BUI LLP

Alan J. Friedman (CA Bar No. 132580)
Melissa Davis Lowe (CA Bar No. 245521)
Max Casal (CA Bar No. 342716)
100 Spectrum Center Drive; Suite 600
Irvine, CA 92618
Telephone: (949) 427-1654
Facsimile: (949) 340-3000
E-mail: afriedman@shulmanbastian.com
E-mail: mlowe@shulmanbastian.com
E-mail: mcasal@shulmanbastian.com

Proposed Counsel to the Debtor and Debtor in Possession